

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARC J. DAYS, et al.,

No. C 04-04850 CRB

Plaintiffs,

**ORDER OF DISMISSAL**

v.

LARRY BISHOP, et al.,

Defendants.

This lawsuit arises out of the Chicago D&P ponzi scheme. Plaintiffs Marc Days and Benjamin Holl, both lawyers proceeding pro se, were defrauded investors in Chicago D&P, and they have filed this action against the company, its officers and directors, and defendant Larry Bishop, an investor who profited from his investment and who also is alleged to have brokered some real estate deals for Chicago D&P.

On August 18, 2006 the Court denied plaintiffs motion for summary adjudication against Bishop for damages and restitution on their claims under California's Unfair Competition Law and Rule 10b-5 of the Securities Exchange Act of 1934. Since that date, plaintiffs have not taken any action on their claims. Accordingly, as plaintiffs have not prosecuted this action for more than one year, this action is DISMISSED pursuant to Federal

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1 Rule of Civil Procedure 41(b).

2 **IT IS SO ORDERED.**

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4 Dated: Oct. 22, 2007



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE